



FREQUENTLY ASKED QUESTIONS

Administrative Adjudication of Road Traffic Offences (AARTO)



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transport

Department:
Transport
REPUBLIC OF SOUTH AFRICA



RTIA

Road Traffic Infringement Agency

Justice in Adjudication



Question:

What is the difference between AARTO and the Demerit Point System?

Answer:

The Administrative Adjudication of Road Traffic Offences Act, Act No. 46 of 1998 is an Act of the Parliament of South Africa which includes a Points Demerit System for violations of traffic law. It is managed by the Road Traffic Infringement Authority, a Public Entity under the Department of Transport.

Demerit Point System: Points demerit systems worldwide are intended to discourage motorists from disobeying the law by putting their privilege to drive in jeopardy if they flout the law.



Question:

How are traffic fines handled now?

Answer:

Currently, the way traffic fines are issued and processed by the Authorities in almost every jurisdiction of the country is through using the Criminal Procedure Act. As its name implies, it is a criminal process and regards all violations of traffic law to be criminal offences. These offences are prosecuted by the NPA, mainly in the lower (Magistrates) courts.

The AARTO Act is different. It “decriminalises” most traffic violations and subjects them to administrative processes. It does this by categorising road traffic violations as “infringements” or “offences”. Infringements (decriminalised violations) are dealt with administratively and offences are dealt with in terms of the Criminal Procedure Act.



Question:

Are the fines issued in terms of the Criminal Procedures Act going to be cancelled when the AARTO Act is rolled out nationally?

Answer:

No, the old traffic fines will continue to be dealt with in terms of the Criminal Procedure Act until finalised, whilst the new ones will be dealt with in terms of the AARTO Act.





Question:

The AARTO Act has been tested since 2008. What is taking so long?

Answer:

This was the view to test the applicability of the system and to address some of the challenges in fewer municipal areas first. The system had to be tested first before national rollout. The pilot was conducted in Tshwane and Johannesburg, wherein the applicable systems and processes were tested.



Question:

Will AARTO be linked to the non-payment of e-tolls?

Answer:

No.



Question:

What does the AARTO process entails?

Answer:

The AARTO process comprises of three steps, which in turn involve several sub-processes, depending on how you, as a motorist react. Throughout its processes the duty is on the motorist to act and failure to do so will result in consequences of varying severity. The process starts when someone has contravened the road traffic or transport legislations and these steps are:

- An Infringement Notice;
- A Courtesy Letter; and
- An Enforcement Order.



Question:

What is the difference between an Infringement Notice, Courtesy Letter and Enforcement Order?

Answer:

Infringement Notice: An Infringement Notice is commonly known as a traffic ticket/fine. It is a Notice issued by an Issuing Authority letting an alleged infringer know that they have contravened a traffic law. An Infringement Notice can either be written and issued to an alleged infringer on the side of the road, can be served via postage or it can be an electronic infringement issued to an alleged infringer through email.



Courtesy Letter: If an alleged infringer fails to act within 32-days of the actual or presumed service of the Infringement Notice, the RTIA issue a "Courtesy Letter". This document removes the 50% discount and adds a R100-00 fee for the Courtesy Letter to the total payable. It also represents the first involvement of the RTIA in the process.

Once again, the alleged infringer is provided various options which may be exercised within 32 days of the actual or presumed service of the courtesy letter. These are:

- To pay the full penalty, together with the R100 for the courtesy letter; or
- To make a written representation to the RTIA setting out why one should not be held liable for the alleged infringement.
- To arrange to pay the full penalty and courtesy letter fee in instalments

Enforcement Order: If an alleged infringer fails to act within 32-days of the actual or presumed service of the Courtesy Letter, the RTIA must issue an "Enforcement Order". This document has the following effects:

- It electronically blocks issuing of documents on NaTIS, meaning that no driving licence, professional driving permit or vehicle licence disc may be issued.

It allocates the demerit points to the alleged infringer's name. The demerit points are allocated to a person not the document. Once the threshold is exceeded documents can be suspended or cancelled.



Question:

Is the 32-day period applicable if the notice was not collected by the infringer from the Post Office?

Answer:

Yes, it applies if there is proof that the motorists was notified of their infringements and they did not collect the documents from the Post Office.



Question:

What is a Representation?

Answer:

A representation is an option open to you if you feel that the infringement was unfairly issued to you. Please note that if your representation does fail you will be liable to pay a R200 fine over and above the full penalty.

Written representations may be made to the RTIA, detailing why the alleged infringer should not be held liable for the alleged infringement. This may only be done using an AARTO 08 form

The form must detail all the reasons / defences one wishes to raise excluding reasons related to financial constraints, and the form must be accurately completed. Failing to provide all the required information will result in the representation being summarily rejected.

- If it is successful, the alleged infringement notice will be cancelled.
- If it is unsuccessful, the alleged infringer has 32 days from the actual or presumed service to pay or referring the matter to the Appeals Tribunal for consideration, or an enforcement order will be issued.





Question:

What is the turnaround time for processing and adjudicating a representation or an application for revocation of an enforcement order?

Answer:

The RTIA strive to process these applications within 21 working days from the date of acknowledgement of the applications.



Question:

What elective options are available to infringers?

Answer:

- Payment made within 32 days discounted by 50%.
- Nomination of driver in control of vehicle.
- Representation.
- Apply to pay in instalments.
- Elect to be tried in court - Repealed in the Amendment Act and replaced by the Appeals Tribunal.



Question:

How long does it take for the Enforcement Order to be cleared on the system after payment?

Answer:

- Once an Enforcement Order is issued, such can only be cleared when a full payment including admin fees have been paid or upon successful application for revocation based on valid reasons for such revocation application.
- Systems are set up in such a way that online payments clears on real time, however sometimes due to online technical problems, payments would be allocated manually when proof of payment are sent through to revenue@rtia.co.za



Question:

Can I pay in installments if I cannot afford to pay the full penalty at once? If yes, how do I arrange to pay in installments?

Answer:

Yes, you can complete an AARTO 04 form to arrange to pay in installments. Each payment must be made monthly on or before the first day of each calendar month in accordance with Regulation 22 until full settlement of the outstanding amount has been made. The current system allows for payments over a six (6) months period for penalties up to R750-00, and payment over a twelve (12) month period for penalties over R750-00. All applications for installments must be submitted to the RTIA at instalments@rtia.co.za for processing. Such applications must first be approved by the RTIA before commencing with installment payments. When an infringer opts to pay in installments, the 50% discount falls away.





Question:

If a driver of a taxi is served with an Infringement Notice for driving a vehicle that is not roadworthy, can he nominate the owner of the vehicle?

Answer:

No, the driver may not nominate the owner of the motor vehicle to be responsible for an Infringement Notice issued to the driver in person. The driver's Infringement Notice will be issued on the side of the road and the owners/operator's Infringement Notice will be generated on the system and posted to the owner / operator.



Question:

By removing the option of electing to be tried in court, are you not taking away the rights of offenders to approach the courts?

Answer:

No. The alleged infringers must first exhaust all the administrative processes including the Appeals Tribunal before they can approach the courts.



Question:

Can an infringer be arrested for not paying a penalty for an Infringement Notice?

Answer:

No, AARTO is an administrative process and therefore motorists will not be arrested for not paying the Infringement Notices. Enforcement Orders will be issued and Demerit Points will be allocated to such a driver or operator instead. However, arrests may be effected where offences such as drunken driving or reckless and negligent driving have been committed where such will be dealt with by the courts in terms of the Criminal Procedure process.



Question:

What do I do if I get a fine for a car which is not mine or for a vehicle that I do not know ?

Answer:

Submit a Representation (AARTO 08 form, available from the <https://www.aarto.gov.za> website) to the RTIA with supporting documents such as case number if it relates to vehicle fraud.





Question:

What will happen if I get an Infringement whilst having a learner's license?

Answer:

You will be penalized like a fully licenced driver and incur the demerit points associated with the infringement you have committed. If you continue to offend you will incur more points.

The total number of Demerit Points which, if exceeded, results in the disqualification of an infringer to drive any motor vehicle, as contemplated in Section 29(d) of the Act, is 15 points.



Question:

When is the AARTO Act going to be rolled out nationally?

Answer:

AARTO is currently being rolled out in phases nationally with the first phase as from 1 July 2021 as announced by the Minister of Transport.



Question:

Most South Africans are not familiar with the AARTO Act. How is the government going to make sure that all South Africans are well educated about the AARTO Act?

Answer:

Intensive road user education and empowerment programmes will be implemented. The RTIA will continue with these empowerment programmes such as AARTO Friday, Know Your Traffic Fine Status Campaigns, Youth Programmes and Road Safety Programmes. It is an ongoing programme as long as there are road users.



Question:

Are parking fines which are normally issued in terms of the municipal by-laws included in the AARTO Act?

Answer:

Yes, all road traffic and transport related municipal by-law contraventions will form part of Schedule 3 of the AARTO Regulations (AARTO Charge Book).





Question:

How is the AARTO Act going to deal with the problem of foreigners who are not adhering to the rules of the road since they know that nothing will be done to them?

Answer:

The Act does not discriminate against anyone. All drivers, both local and holders of foreign driving licenses will be treated equally and will be held accountable for their own actions.



Question:

Now that the Amendment Bill has been signed into law, will the implementing Issuing Authorities have to comply with the new Act or when is it coming into force?

Answer:

Implementation of the new Act and its Regulations will be guided by the Proclamation made by the President of the Republic and new Regulations once published.



Question:

Is the electronic service a replacement for registered mail?

Answer:

No, it is an addition to traditional types of service. Infringers will have various options available on the manner of service.. Electronic service enables us to leverage on technological innovations and advances. It enables infringers to exercise their rights quickly.



Question:

Where can I get AARTO services?

Answer:

- You can visit the AARTO website <https://www.aarto.gov.za> and register as a Business or an Individual.
- You can call the AARTO Call Centre on 086 122 7861.
- You can download the AARTO Mobile App from Google Playstore (play.google.com/store/apps/details?id=za.co.rtia.aartomobileapp).
- You can visit your nearest AARTO Service Outlet.

PLEASE HAVE YOUR ID NUMBER OR THE RELEVANT INFRINGEMENT NOTICE NUMBER READY WHEN ENQUIRING ABOUT YOUR INFRINGEMENT.




AARTO Service Outlets

Eastern Cape




 **East London**
Mr Quintonn Chetty
18 Phoenix street, Braelyn
EAST LONDON
5201

eMail: QuintonC@buffalocity.gov.za

 078 920 3230


 **King Williams Town DLTC/RA**
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 060 600 5251

 **Gqeberha DLTC/RA**
Mr Warren Prins
275 Durban Road, Korsten
GQEBERHA
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 060 600 5251

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Mr Shaun Adolph
25 - 27 Owen street Central
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 064 755 8366

GQEBERHA

Outlet Operator: Ms Bomkazi Tyhili

Provincial Manager: Ms Venda Mamabolo

Provincial AARTO Queries No: 087 287 0459

Provincial Email Address: AARTOQueriesec@rtia.co.za

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AARTO Service Outlets

Free State



Welkom

Traffic Department Welkom
cnr Koppie Allen and Badenhorst street
Welkom
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Bloemfontein DLTC/RA

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BLOEMFONTEIN
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082 380 0082



Sasolburg

Public Safety and Security
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SASOLBURG
1947



BLOEMFONTEIN

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Provincial Manager: Mr Siyabonga Qwabe

Provincial AARTO Queries No: 087 287 7980 083 407 0425














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AH
-  Boksburg DLTC (Ekurhuleni)
43 Reservoir Road,
Boksburg East Industrial
BOKSBURG
-  Centurion DLTC (Tshwane)
Nellmapius Drive, Irene
CENTURION
-  Ipeleng DLTC (Tshwane)
5204 Mangope Road,
MABOPANE
-  Temba Municipal Offices (Tshwane)
4244 Molefe Mokinta Road
HAMMANSKRAAL
-  Johannesburg Magistrate's Court (CoJ)
26 Fox Street, Ferreiras Dorp,
JOHANNESBURG
-  Kempton Park Civic Centre (CoJ)
Pretoria Road & CR Swart Road,
Zuurfontein, 33-lr
KEMPTONPARK
-  Koedoespoort GDoCS (Tshwane)
Queenswood
PRETORIA
-  Marlboro DLTC (CoJ)
Cnr 8th and 9th Street,
Marlboro Gardens
-  Randburg DLTC
Cnr Bram Fischer Drive & Jan Smuts
RANDBURG
-  SA Taxi (TCoJ)
179 15th Road, Randjespark
MIDRAND
-  Soweto Magistrate's Court (CoJ)
Cnr Ndaba Drive and Kunene street,
PROTEA GLEN NORTH
-  **Westonaria**
1779 Westonaria
GAUTENG

TMPD / JMPD / EMPD

Outlet Operator: All Operators in Gauteng

Provincial Manager: Mr Zixolisile Zonke


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KwaZulu-Natal



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ETHEKWINI

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Limpopo



Burgersfort / Praktiseer

Mr Lekwadu
Eddie Sedibe street
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 082 090 9341

Polokwane DLTC


Kailane Setati
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eMail: Silass@polokwane.gov.za

 073 284 4403

Thulamela

Mr Nesane
Thohoyandou-Q
THOHOYANDOU
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 083 256 6948

POLOKWANE

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AARTO Service Outlets

Mpumalanga



 **eMahlaheni**
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 013 690 6390

 **Siyabuswa**
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SIYABUSWA

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MBOMBELA / NELSPRUIT

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Northern Cape



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 **Sol Plaatjie DLTC/RA**
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eMail: dmoeti@solplaatjie.org.za

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 **Upington**
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KIMBERLEY

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North West



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 **Mahikeng DLTC**
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 082 753 4047

 **Rustenburg**
Director Boikanyo
139 Kock street
RUSTENBURG
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 071 641 2175

MAHIKENG

Outlet Operator: Ms Kgomotso Kwenamore

Provincial Manager: Adv. Reuben Mannafela

Provincial AARTO Queries No: 087 285 0458

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Western Cape



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GEORGE
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 073 190 9925

 **Saldanha Bay**
Mr Gordon Swart
Saldanha Bay Municipality, Floryn Avenue, Marais Industria
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 082 581 1322

PAARL

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Provincial Manager: Ms Venda Mamabolo

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Question:

If I register my profile on the AARTO website, does this mean that I have automatically given consent for receiving my infringements via email?

Answer:

No. Even though an infringer has registered on the website with their email address, this does not automatically mean that the infringer will be served via email. Such notices may either be served through ordinary mail or electronic service. The default service currently applicable is still registered mail, but most importantly one has to give express consent to receive their infringements via email.



Question:

Can I check my demerit points regularly? Can employers check their employees' demerit points?

Answer:

Yes, once the Demerit Points System has been introduced (planned for 1 July 2022) as a driver you can request your own infringement history and Demerit Point status. Employers may also check points history or status of their drivers, but only with the driver's consent.



Question:

The driving licence is like some form of a qualification for some drivers. How is the government going to ensure that the Demerit Points System do not contribute heavily to the high level of poverty already being experienced in South Africa?

Answer:

The infringers have an option to attend a rehabilitation programme once a year. Upon completion of the rehabilitation programme, 4 points will be deducted. Infringers can use this option to improve their behaviour and to avoid being prohibited from driving for a long period, thus protecting them from losing their jobs that require people to drive.



Question:

How long does the suspension take before someone can qualify to drive again?

Answer:

For every three months without incurring Demerit Points, one point gets reduced until the points are on or below the set threshold. 4 Points can also be reduced upon completion of a rehabilitation programme.



Question:

How is the Points Demerit System going to work on drivers and operators and how many points will be allocated per infringement?

Answer:

Points are allocated to drivers and operators separately. Driver is responsible for driver infringements and operators are allocated demerits for operator related infringements.

Question:

At what stage does the driver or operator get suspended from driving?

Answer:

Once the 15 points threshold is exceeded, suspension period is in accordance with the number of points above the threshold. Suspension period will be 3 months for every single point above the set threshold.

Question:

How does the Demerit Points System work?

Answer:

Demerit points are allocated according to the severity of the infringement committed. The more serious or risky the infringement, the more points will be allocated. Infringements carry a maximum of five (5) Demerit Points and offences are allocated a maximum of six (6) Demerit Points if found guilty in court.

Question:

How is AARTO going to reward good drivers?

Answer:

The Demerit Points System will penalise habitual offenders and reward law-abiding road users. One point is reduced every three (3) months if no further infringements occur within that 3 month period.



Question:

What are the advantages of the Rehabilitation Programme?

Answer:

It is a drivers' refresher training and if attended it might lead to Demerit Points decreasing quicker than the normal reduction of points over time.

Question:

How is the Rehabilitation Programme going to work and who will qualify to attend the programme?

Answer:

The programme will be applicable to habitual infringers in line with the Act.

Question:

When can an infringer apply to be subjected to an approved Rehabilitation Programme?

Answer:

When the infringer has exceeded the 15 demerit point threshold, and documents have been suspended (driving licence, vehicle licence disc and other transport related permits);

When the infringer has exceeded the 15 demerit point threshold the third time, and as a result of this, documents have been cancelled (driving licence, vehicle licence disc and other transport related permits);

When the infringer has accumulated 4 or more demerit points, and such infringer would like to reduce the demerit point status.

Question:

How many points will be reduced when a rehabilitation programme has been successfully completed?

Answer:

Four (4) points will be reduced if a rehabilitation programme has been successfully completed.

Question:

How many times in a year may an infringer undergo a rehabilitation programme?

Answer:

An infringer may only apply for the attendance of an approved rehabilitation programme once in every 12-month period.

Question:

How do you apply to attend a rehabilitation programme?

Answer:

The applicant needs to apply on form AARTO 11(a) to attend a rehabilitation programme.

Question:

What will the rehabilitation programmes cover?

Answer:

The syllabus for the programmes may contain:-

- The interpretation and content of the relevant legislation.
- The responsibilities of the holder of a driving licence and professional driving permit.
- The results of unsafe driver and operator behaviour.
- The responsibilities of an operator relating to the administration, drivers, vehicles, road safety, the transportation of dangerous goods and loading of vehicles.
- A driver simulator test; or
- A psychologist evaluation to determine a person's mental state, perceptual, cognitive, emotional and social processes and behaviour by observing interpreting and recording how the person relates to the responsibilities associated with driving a motor vehicle on a public road.

Question:

What is the objectives of the rehabilitation programme?

Answer:

The objectives of the rehabilitation programme are:-

- To provide a habitual infringer with the information and skills necessary to develop positive attitudes to driving and to change driving behaviour.



- To develop safer driving behaviour in infringers and offenders.
- To provide an operator with the information and skills necessary to manage the roadworthiness, drivers and operation of its vehicles; and
- To provide a habitual infringer with the opportunity to reduce his / her demerit points to enable him / her.



Question:

Is the Appeals Tribunal taking away the South African's constitutional rights to be tried in court?

Answer:

No, it does not take away the right to be tried in court. The infringer still has a right to take the decision of the Appeals Tribunal for review in a designated Magistrates Court. Please also note Section 34 of the Constitution with regards to access to the courts.

Access to courts:

Section 34: Everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum. The AARTO Amendment Act, Act No. 4 of 2019 repeals automatic option to be tried in court but instead, establishes the Appeals Tribunal which is an independent body accountable to the National Department of Transport.



Question:

How does the AARTO Appeals Tribunal work?

Answer:

The AARTO Amendment Act introduces the Appeals Tribunal to deal with the affairs of approximately 13 million drivers plus almost 13 million vehicles. Its function is to consider applications for appeal or review of the decision of a representations officer who rejects a written representation.

- Any person who wishes to apply to the Tribunal for appeal or review must do so using the form AARTO 10 and must do so within 30 days of the decision of the representations officer.
- Except in "exceptional circumstances", the alleged infringer must stick to the contents of their original written representation when applying to the Tribunal. He or she may not introduce new evidence at that stage.
- Although an alleged infringer who is not satisfied with the decision of the Tribunal may pursue the matter further, according to the draft regulations its decision is final. If an appeal or review before the Tribunal is unsuccessful, the RTIA must issue an enforcement order.



Question:

Can I submit my Appeal or Review application directly to the Appeals Tribunal?

Answer:

Infringers must first submit a representation to the Agency and such application must be adjudicated and a result of “unsuccessful” must be returned. The infringer may then submit a review / appeal application within 30 days from date of the unsuccessful outcome to the Agency by completing a AARTO 10 (a) application form.

Question:

What decisions may the Appeals Tribunal take?

Answer:

The Tribunal may confirm, vary or set aside any decision against which an appeal or review has been lodged in terms of section 29B of the AARTO Act;

The decision of a majority of the members present at a sitting of the Tribunal constitutes a decision of the Tribunal, and in the event of an equality of votes on any matter, the person presiding at the sitting must have a casting vote in addition to that person's deliberative vote.

Question:

What if the Appeals Tribunal rejects my Appeal or Review application?

Answer:

Any person affected by a decision of the Tribunal may—

- Apply to a Magistrate's Court designated by the Minister in terms of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), to review that decision; or
- Appeal to a Magistrate's Court against the decision of the Tribunal. (2) An appeal or review against the decision of the Tribunal must be lodged with the relevant Magistrate's Court within 30 days of the decision of the Tribunal.



Question:

What if I missed my opportunity to submit an Appeal or Review application to the Tribunal?

Answer:

If the infringer has missed the opportunity to submit an application of a review or an appeal, then an application for Condonation may be submitted:

- If an application for condonation is made and is allowed, the infringer must make an application for an appeal or review within a period of 7 days from the date of the outcome provided;
- If an application for condonation is made and is unsuccessful, the infringer shall be issued with an enforcement order.

Question:

What is the difference between an Appeal and Review?

Answer:

With a review, the applicant will request the Tribunal to review the decision of the Representations Officer by considering the original documents submitted together with additional supporting documents relating to the review;

With an Appeal no additional documents may be submitted – original documents submitted with the representation application will be utilised for the Tribunal to make a decision.



Where can I pay my AARTO infringements?

The RTIA has made the payment for AARTO infringements easy and convenient and it can be done by using the following options:

Kindly note that the 16-digit Infringement Notice number appearing on the Infringement Notice must always be used as the reference to such payment made. No ID number, vehicle license (MVR&L) numbers, surname and initials may be used as a payment reference.

Cash payments can be made at:

- ABSA;
- South African Post Office;
- Motor Vehicle Registration and Licensing (MVR&L) office;
- Driving Licence Testing Centre (DLTC);
- Relevant Issuing Authorities;
- Pay@, Shoprite, Checkers, Usave, SPAR, Game, Makro and Builders Warehouse.

Elective options may be e-mailed to:

- instalments@rtia.co.za;
- nominations@rtia.co.za
- representations@rtia.co.za

Online payments can be made at:

- FNB; Standard Bank, ABSA;
- www.paymyfines.co.za
- www.paycity.co.za
- Pay@ digital payment platforms

- court@rtia.co.za
- revocation@rtia.co.za
- refunds@rtia.co.za

PLEASE TAKE NOTE OF THE FOLLOWING:

No EFT payments are accommodated. Do not pay AARTO infringements using any direct bank account number or the bank account of the Local Traffic Department. Payments **NOT** made in the correct manner, **will not** be processed. Use the 16-digit Infringement Notice Number as reference number.



Rtia-Aarto



rtia_homeofaarto



@rtia_aarto



www.aarto.gov.za

Fraud Hotline Number: 0800 011 211



transport

Department:
Transport
REPUBLIC OF SOUTH AFRICA



RTIA

Road Traffic Infringement Agency

Justice in Adjudication